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FILED
U.S. MAGISTRATE JUDGE

DATE: March 29, 2023

TIME: 10:15 a.m.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN ARMANDO GAONA,
AKA "SILLY,"

Defendant.

Case No. 2:23-mj-00250-EJY

COMPLAINT

VIOLATIONS:

Count One

18 U.S.C. §§ 922(a)(1)(A) and
924(a)(1)(D) – Engaging in the Business
of Dealing Firearms Without a License

Counts Two, Three, and Five

21 U.S.C. §§ 841(a)(1), (b)(1) (B) &(C) –
Distribution of a Controlled Substance

Count Four

18 U.S.C §§ 924(c)(1)(A)(i) – Possession
of a Firearm in Furtherance of a Drug
Trafficking Crime

BEFORE the United States Magistrate Judge, Las Vegas, Nevada, the undersigned
Complainant, being duly sworn, deposes and states:

COUNT ONE

(Engaging in the Business of Dealing Firearms Without a License)

Beginning from a time unknown but no earlier than February 22, 2023, and continuing up to and including March 15, 2023, in the State and Federal District of Nevada,

KEVIN ARMANDO GAONA,
aka "Silly,"

defendant herein, not being a licensed dealer, importer, and manufacturer of firearms within the meaning of Chapter 44, Title 18, United States Code, willfully engaged in the business of dealing in, importing, and manufacturing firearms, all in violation of Title 18, United States Code, Sections 922(a)(1)(A) and 924(a)(1)(D).

COUNT TWO
(Distribution of a Controlled Substance)

On March 2, 2023, in the State and Federal District of Nevada,

KEVIN ARMANDO GAONA,
aka "Silly,"

defendant herein, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of N-Phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT THREE
(Distribution of a Controlled Substance)

On March 9, 2023, in the State and Federal District of Nevada,

KEVIN ARMANDO GAONA,
aka "Silly,"

defendant herein, did knowingly distribute a mixture and substance containing a mixture and substance containing a detectable amount of N-Phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (fentanyl), a Schedule II controlled substance, in violation of

1 Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

2 **COUNT FOUR**

3 *(Possession of a Firearm in Furtherance a Drug Trafficking Crime)*

4 On or about March 9, 2023, in the State and Federal District of Nevada,

5 **KEVIN ARMANDO GAONA,**
6 **aka “Silly,”**

7 defendant herein, did knowingly possess a firearm in furtherance of a drug trafficking
8 crime for which he may be prosecuted in a Court of the United States, that is, Distribution of
9 a Controlled Substances as charged in Count Three of this Complaint, in violation of Title
10 18, United States Code, Sections 924(c)(1)(A)(i).

11 **COUNT FIVE**

12 *(Distribution of a Controlled Substance)*

13 On March 15, 2023, in the State and Federal District of Nevada,

14 **KEVIN ARMANDO GAONA,**
15 **aka “Silly,”**

16 defendant herein, did knowingly distribute 40 grams or more of a mixture and
17 substance containing a detectable amount of N-Phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]
18 propenamide (fentanyl), a Schedule II controlled substance, in violation of Title 21, United
19 States Code, Sections 841(a)(1) and (b)(1)(B)(vi).

20 **PROBABLE CAUSE AFFIDAVIT**


21 Your Complainant, Joseph Coty, as a Special Agent with the Bureau of Alcohol,
22 Tobacco, Firearms, and Explosives (ATF), states the following as and for probable cause:

23 1. Your Complainant is a Special Agent with the Bureau of Alcohol, Tobacco,
24 Firearms, and Explosives (ATF), a component of the United States Department of Justice,
and has been so employed since December of 2021. Your Complainant is currently assigned
to the ATF Las Vegas Group II Crime Gun Intelligence Task Force.

2. The following information contained within this criminal complaint is based upon your Complainant's participation in this investigation as well as information and reports provided to me by other law enforcement personnel. This statement does not include all information in reference to this investigation, but rather only those facts necessary to establish probable cause. All times are approximate.

FACTS ESTABLISHING PROBABLE CAUSE

3. On or about February 7, 2023, ATF Task Force Officer's (TFO) obtained information of an individual suspected of trafficking firearms and suspected narcotics utilizing the social media platform Instagram from the LVMPD Southeast Area Command (SEAC). The username of the aforementioned public Instagram account was "mr.silly29" and the flexible, or changeable, account name was "Silly29St" (reference screenshot image below). According to LVMPD Detectives assigned to SEAC, the aforementioned Instagram profile is known to be owned and operated by Kevin GAONA, a suspected 29th Street criminal street gang member.

4. Agents reviewed the Instagram account "mr.silly29" and observed blue pills in a plastic bag, which was posted on September 19, 2022. The pills appeared to be marked "M" and "30." Your affiant knows that blue M30 Oxycodone Hydrochloride pills are commonly counterfeited with Fentanyl. Further, the "bio" section of GAONA's Instagram profile states the following, "Mr.  Vegas 702 ESLV: Silly 29ST." Your affiant understood GAONA's Instagram bio information to mean to contact GAONA for M30 pills. Further, your affiant understood "ESLV" to mean "east side Las Vegas" and "29ST" to mean 29th Street criminal street gang.

5. Simultaneous to monitoring GAONA's Instagram account as described above, investigators involved a confidential informant to interact with GAONA. On or

1 about February 18, 2023, your Affiant directed an ATF Confidential Informant (CI¹)
2 hereinafter referred to as “the CI-1,” to contact the Instagram account with the name
3 “mr.silly29” regarding the advertised firearm for sale.

4 6. On February 20, 2023, SA Brandon May captured a screen recording from
5 GAONA’s Instagram “Story” of an AR style pistol and a revolver. The image was marked
6 “11h,” meaning it was posted to the account approximately eleven hours prior to SA May
7 viewing it. The image was captioned “Offers\$.”

8 7. Continuing on this date, SA Brandon May directed ATF CI-1 to contact
9 GAONA to coordinate a controlled purchase of the advertised firearms.

10 8. Between February 18, 2023 and February 21, ATF CI-1 had Instagram Direct
11 Messages (DM’s) with the Instagram account “mr.silly29” operated by GAONA regarding
12 purchasing the previously advertised firearm. During these DM’s, ATF CI-1 provided
13 his/her cellular phone number to GAONA. On or about February 22, 2023, GAONA
14 contacted ATF CI-1 with the following cellular phone number (XXX) XXX-9044.

15 9. Continuing on February 22, 2023, during the afternoon hours, the ATF and
16 the LVMPD conducted a controlled purchase operation involving CI-1 and an additional
17 CI² (hereinafter CI-2). Prior to the transaction, CI-1 and GAONA agreed to conduct the
18 transaction in the Las Vegas, NV area through recorded phone contacts.

19
20 ¹ This person worked for ATF in the past for consideration in a firearms trafficking
21 investigation and was not charged. The CI is now paid by ATF for his/her assistance. To
22 date, agents have found the CI’s information to be credible and reliable. is The CI has no
23 known arrest history or criminal convictions.

24 ² This person has worked for ATF in the past for possible consideration in a firearms
trafficking investigation and has also received pecuniary payments for his/her assistance.
The information provided to ATF by the ATF CI has, to date, been found to be credible and
much of it has been corroborated. ATF CI has an arrest history related to traffic violations.
The ATF CI has misdemeanor convictions related to traffic violations.

1 10. Later that same day, CI-1 and CI-2 met GAONA at a predetermined location
2 in the Las Vegas, NV area. ATF CI-1 questioned GAONA regarding pills, specifically
3 Xanax and Percocet. GAONA explained that he obtains “percs” by the “boat,” and that he
4 travels to “LA” for them. Your affiant recognized the term “boat” to be street vernacular for
5 1,000 pills. GAONA stated that as of right now his associate has “Fent” and “real Percs.”
6 Your affiant understood “Fent” to mean Fentanyl pills. GAONA offered to call this
7 individual. GAONA continued to state that this individual resides across the street.
8 GAONA informed the CI’s that his Dodge Challenger was parked right there, and that the
9 CI’s can park nearby. ATF CI-1 questioned GAONA if he regularly obtains them, meaning
10 pills. GAONA responded by stating that “we be getting them,” and that “they buy and
11 resell, buy and resell, that’s what we on.” At this time GAONA did not have possession of
12 the firearm that the ATF CI’s arranged to purchase.

13 11. A short time later, GAONA offered to have the CI’s wait for the firearm at
14 GAONA’s residence nearby. GAONA informed ATF CI-1, that he was going to go
15 “inside” to wait. CI-1 and CI-2 departed the area, followed by law enforcement to a
16 predetermined location. Later that afternoon, surveillance units observed GAONA arrive
17 back at the predetermined deal location. At or about this time, GOANA sent images via
18 text message to CI-1 of an AR pistol and a silver and black .380 caliber pistol in GAONA’s
19 suspected waistband.

20 12. A short time later, CI-1 and CI-2 parked next to a silver Dodge Challenger at
21 the predetermined meeting location. During this time, GAONA was sitting in the driver’s
22 seat of the vehicle. While sitting in the silver Dodge Challenger, GAONA directed CI-1 to
23 “switch a man” and “one of us switch a guy.” CI-1 directed GAONA to put it, meaning the
24 firearm, in the trunk of the CI vehicle.

1 13. GAONA exited the silver Dodge Challenger carrying an AR style pistol.
2 GAONA attempted to conceal the firearm in his sweatshirt while stepping out of the
3 vehicle.

4 14. ATF CI-2 introduced himself to GAONA. At this time, GAONA provided
5 his cellphone number, XXX-XXX-9044 to ATF CI-2. GAONA informed ATF CI-2 that he
6 was from south central Los Angeles, CA. GAONA stated that he is recognized by the
7 moniker "Silly."

8 15. ATF CI-1 directed GAONA to place the firearm in the trunk of the CI
9 vehicle. ATF CI-1 paid LNU FNU \$1,000.00 for the handgun with the extended magazine.
10 ATF CI-1 paid GAONA \$1,000.00 for the AR style rifle. The firearms purchased during the
11 transaction were privately made firearms (PMF) and did not have serial numbers engraved.
12 The firearms purchased were the following: one (1) un-serialized, 9mm, semi-automatic
13 pistol; and an un-serialized, .223, semi-automatic AR style pistol.

14 16. On February 27, 2023, during the afternoon hours, the ATF and the LVMPD
15 conducted a controlled purchase operation involving CI-2 and an additional CI³,
16 (hereinafter CI-3). Prior to the transaction, CI-2 and GAONA agreed to conduct the
17 transaction in the Las Vegas, NV area through recorded phone contacts. During the
18 transaction, CI-2 purchased a Glock, model 43, 9mm pistol from GAONA for \$1,300 of
19 pre-recorded currency. GAONA stated that the Glock 43 was "registered" and would not be
20 reported stolen. Agents understood "registered" to mean that GAONA had knowledge of

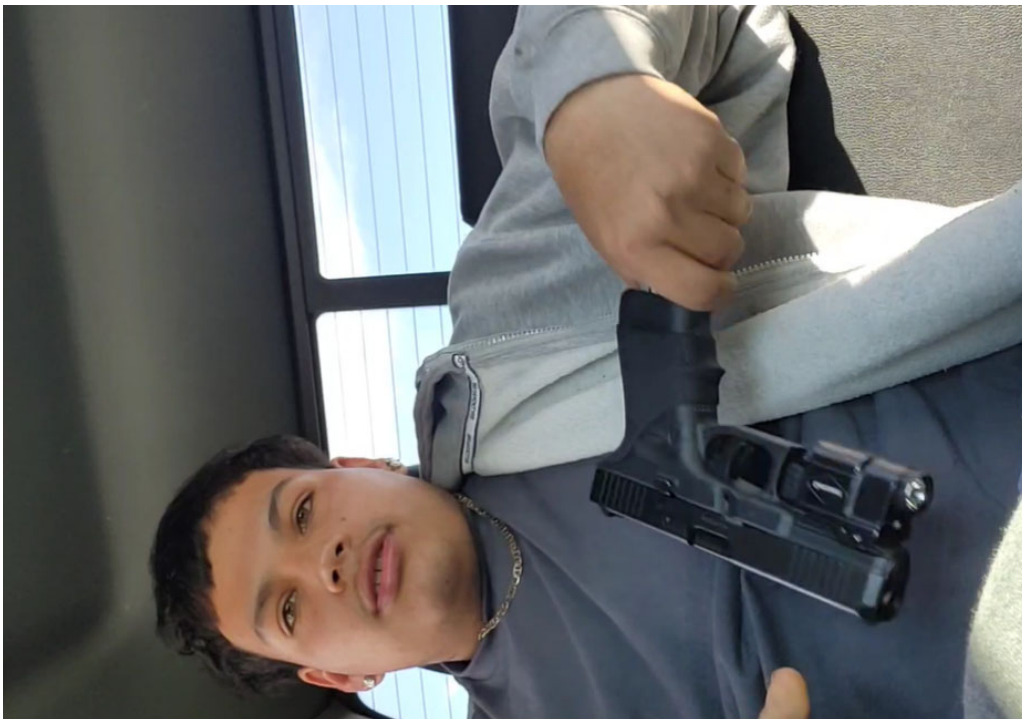
21 ³ This person has worked for ATF in the past for possible consideration of a narcotics and
22 firearm trafficking investigation. This person has received pecuniary payments for his/her
23 assistance. The information provided to ATF by the ATF CI has, to date, been found to be
24 credible and much of it has been corroborated. The CI's criminal history includes property
crime convictions, one conviction for obstructing a public officer, and one charge for
possession of credit cards without the cardholder's consent, which was dismissed.

1 who the original purchaser of the firearm was. Further, CI-3 purchased a PMF 9mm pistol
2 from GAONA for \$1,000.00 of pre-recorded currency.

3 17. On March 2, 2023, during the afternoon hours, the ATF and the LVMPD
4 conducted a controlled purchase operation involving CI-2 and CI-3. Prior to the transaction,
5 CI-2 and GAONA agreed to conduct the transaction in the Las Vegas, NV area through
6 recorded phone contacts. When the CI's arrived at the predetermined location outside
7 GAONA's residence, GAONA was observed walking out of the lower-level apartment.
8 During the transaction, CI-2 purchased an Anderson Manufacturing, model AM-15, multi-
9 caliber rifle for \$1,500.00 and approximately 10 grams (approximately 50 pills) of fentanyl
10 for \$300.00 from GAONA. The pills were blue and stamped with M-30. DEA laboratory
11 results show that the pills purchased during this transaction tested positive for a fentanyl,
12 tramadol, and p-Flurofentanyl. During the transaction, CI-3 purchased an additional Sig-
13 Sauer, model P365 XL, 9mm handgun from GAONA for \$900.00. During the transaction,
14 GAONA removed an additional pistol from his pocket and informed the CI's that the
15 firearm was a new addition Taurus. GAONA requested \$850.00 for the firearm, which was
16 not purchased. After the transaction was completed, GAONA was observed walking out of
17 the CI vehicle and entering the lower-level apartment, specifically the apartment closest to
18 Clifford Avenue, of the building addressed "2304."

19 18. On March 9, 2023, during the afternoon hours, the ATF and the LVMPD
20 conducted a controlled purchase operation involving CI-2 and CI-3. Prior to the transaction,
21 CI-2 and GAONA agreed to conduct the transaction in the Las Vegas, NV area through
22 recorded phone contacts. During the transaction, CI-2 purchased a Glock Inc, model 30, .45
23 caliber handgun from GAONA for \$1,500.00. Further, CI-3 also purchased approximately 6
24 grams (approximately 38 pills) of suspected fentanyl pills from GAONA for \$300.00. The

1 pills were blue and stamped with M-30. During the transaction, CI-3 attempted to purchase
2 a second handgun that was visible on GAONA's waistband. GAONA removed the firearm
3 from his waistband and mentioned that it was his personal "19" and that it was loaded,
4 reference image below that was captured at or about this time. Agents understood "19" to
5 mean a Glock model 19 firearm. This firearm appeared to have an extended mag with a
6 sticker on the end of the magazine. GAONA refused to sell this firearm to the CI's. During
7 the transaction GAONA informed the CI's that the pills were "legit" and that "they are
8 straight real Fent," which agents understood to mean Fentanyl.



19 19. On March 15, 2023, during the afternoon hours, the ATF and the LVMPD
20 conducted a controlled purchase operation involving CI-2 and CI-3. Prior to the transaction,
21 CI-2 and GAONA agreed to conduct the transaction in the Las Vegas, NV area through
22 recorded phone contacts. During the transaction CI-2 purchased approximately 60 grams
23 (approximately 500 pills) of suspected fentanyl for \$1,500.00 of ATF funds. During the
24

transaction, CI-3 also purchased a Glock, model 43, 9mm, semi-automatic pistol, bearing S/N "AFEY110" for \$1,800.00 of ATF funds.

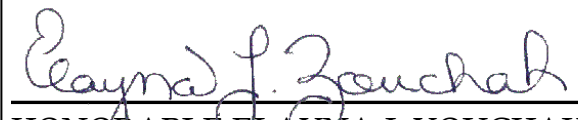
CONCLUSION

20. Based upon the foregoing facts and information, your Complainant respectfully submits that there is probable cause to believe that KEVIN ARMANDO GAONA committed the offenses of 18 U.S.C. § 922(a)(1)(A) *Dealing Firearms Without a License*; 18 U.S.C. § 924(c)(1)(A) *Possession of a Firearm in Relation a Drug Trafficking Crime*; and 21 U.S.C. §§ 841(a)(1) *Distribution of a Controlled Substance*.



Special Agent Joseph Coty
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 29th day of March 2023.



HONORABLE ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE